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TORRANCE CITY COUNCIL – FEBRUARY 26, 2013

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At 11:07 p.m., the meeting was adjourned to Tuesday, March 5, 2013 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

I. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:34 p.m. on Tuesday, February 26, 2013 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland and Mayor Scotto.

Absent: None.

Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Legal Counsel – Existing Litigation, 18B) Conference with Legal Counsel – Anticipated Litigation, 18C) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54956.9(d)(1), 54956.9(d)(2), and 54956.8.

The City Council reconvened at 7:02 p.m. with all members present.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by former City Councilmember Paul Nowatka.

The non-sectarian invocation was given by Councilmember Rhilinger.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA/ MOTION TO
WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, February 21, 2013.

MOTION: Councilmember Furey moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Numark and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

Agenda Item 12A/15.1B was withdrawn and deferred to a later date.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto announced that the Ad Hoc Federal Legislative Committee will meet on Thursday, February 28, at 4:30 p.m. in the City Manager Assembly room to discuss 2013 priority projects and strategies.

Councilmember Brewer announced that the Citizen Development and Enrichment Committee held a joint meeting with the Torrance Unified School District on February 25 to discuss the joint use of facilities and will be forwarding a recommendation to the City Council.

City Clerk Herbers announced that an AB1234 Ethics Training Class will be held on Wednesday, February 27, from 4:30 p.m. to 6:30 p.m. in the Council Chamber.

Mayor Scotto and Councilmembers recognized City Attorney John Fellows for 20 years of service and presented him with a plaque.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2013-12 RE FIRE CAPTAIN RANDALL BROOKS

RESOLUTION NO. 2013-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING FIRE CAPTAIN RANDALL BROOKS UPON HIS
RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-NINE
YEARS OF SERVICE

MOTION: Mayor Scotto moved for the adoption of Resolution No. 2013-12, and the motion passed by unanimous roll call vote.

Mayor Scotto presented the resolution to Randall Brooks, who accepted with appreciation.

Fire Chief Racowski commended Captain Brooks for his dedicated service and wished him well in his retirement.

6B. HOMETOWN HEROES BANNER PROGRAM –THIRD PHASE INSTALLATION

Mayor Scotto presented souvenir banners to the families of the following service persons who were recognized in the third phase installation of the Hometown Heroes Banner Program: Douglas McLellan, Matthew Ferrara, David Uyematsu, Micah Gifford, Brett Gelesko, Harry Cohen, Louis Zamperini, David R. Pierson, Eugene Markwell, Brandon Matson, and Damien Ramirez-Wojcik. He thanked Viet Nam Veterans of America, South Bay Chapter 53, and Blue Star Mothers of the South Bay for their continued support of this program.

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The Council briefly recessed from 8:29 p.m. to 8:39 p.m.

7. ORAL COMMUNICATIONS #1

7A. Scott Gobble, Southern California Edison, provided information regarding the procedure for reporting non-functioning street lights.

7B. Su Hwang, president of Harbor Interfaith Services Auxiliary Board, invited the public to attend a fundraiser dinner/auction Saturday, March 16 at 6:00 p.m. at Long Beach Hyatt Regency.

7C. Mark Stephenson, Torrance, expressed concerns about rising pension costs and unfunded liabilities, citing figures from the 2011 CalPERS Actuarial Valuation Report for the City of Torrance.

8. CONSENT CALENDAR

8A. ACCEPTANCE OF QUITCLAIM FOR PORTION OF MADISON STREET

Recommendation

Recommendation of the Community Development Director and the City Manager that City Council accept the quitclaim of a portion of the east side of Madison Street, north of Lomita Boulevard.

8B. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore to provide legal services pertaining to police personnel matter #011405, for a total contract amount not to exceed \$10,000.

8C. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore to provide legal services pertaining to police personnel matter #011406, for a total contract amount not to exceed \$10,000.

8D. SUBSIDY OF FEES FOR USE OF PORTABLE STAGE

Recommendation

Recommendation of the Community Services Director that City Council subsidize fees in the amount of \$679.05 for use of the portable stage by the American Cancer Society for the Relay for Life event to be held at South High School on April 27, 2013.

8E. SUBSIDY OF FEES FOR WORKS IN PROGRESS SERIES

Considered out of order, see page 4.

8F. MEMORANDUM OF UNDERSTANDING RE REGIONAL FIRE DEPARTMENTS SMART CLASSROOM PROJECT

Recommendation

Recommendation of the Fire Chief and the Information Technology Director that City Council approve a Memorandum of Understanding (MOU) with the City of Beverly Hills and the Los Angeles Area Fire Chiefs Association (LAAFCA) regarding LAAFCA's Regional Fire Departments Smart Classroom Project and authorize the City of Torrance Fire Chief to sign the MOU.

8G. PURCHASE ORDER FOR SEWER VIDEO INSPECTION CAMERA/ACCESSORIES

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$76,574 from the Sewer Enterprise Fund balance for the purchase and installation of new sewer video inspection equipment in the existing City owned video inspection truck; and
- 2) Authorize a purchase order with Plumbers Depot Inc of Hawthorne, CA in the amount of \$76,574 for the purchase and installation of Cues video inspection equipment.

8H. AGREEMENT AMENDMENT RE DESIGN SERVICES FOR STORMWATER BASIN ENHANCEMENT PROGRAM

Recommendation

Recommendation of the Public Works Director that City Council approve a second amendment to the consulting services agreement with California Watershed Engineering (C2011-043) in the amount of \$24,033 for a total not to exceed amount of \$528,450 for redesign of access trails in the Henrietta Stormwater Basins and design of upgrades to the Amie Stormwater Basin Pump Station.

MOTION: Councilmember Sutherland moved for the approval of Consent Calendar Items 8A through 8D and 8F through 8H. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

Consent Calendar Item 8E was considered separately at this time.

8E. SUBSIDY OF FEES FOR WORKS IN PROGRESS SERIES

Recommendation

Recommendation of the Community Services Director that City Council subsidize the rental and labor fees for the Nakano Theatre in the amount of \$1,320 for John Powers and Torrance Historical Society and Museum to present the 2013 Works in Progress Series "Coming of Age" for one night in April, May, and June, 2013.

Councilmember Rhlinger questioned why staff was recommending the subsidy of this particular series when there are other non-profit groups that would benefit from the subsidy of fees.

Cultural Services Manager Rappaport reported that the Works in Progress series is unique because John Powers writes each program and collaborates with community groups to produce each series; that the programs are staged readings by volunteer performers with no professional lighting or sound so they can be done with minimal set-up; and that Mr. Powers is donating his time and the programs will be offered free of charge to the community.

In response to Councilmember Numark's inquiry, Ms. Rappaport confirmed that the Works in Progress series was formerly sponsored by the City.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

11. PUBLIC SAFETY

11A. ORDINANCE AMENDING THE TORRANCE MUNICIPAL CODE RE DOG LICENSING AND RABIES VACCINATION REQUIREMENTS

Recommendation

Recommendation of the Chief of Police that City Council adopt an Ordinance amending Section 41.3.1 of Article 3 of Chapter 1 of Division 4 of the Torrance Municipal Code relating to the licensing of dogs and Section 41.4.1 of Article 4 of Chapter 1 of Division 4 relating to rabies vaccination requirements to specify that both sections can be prosecuted as a misdemeanor or an infraction and that each Section is enforceable by a city police officer, animal control officer, animal control supervisor, code enforcement officer or any City employee authorized under Section 11.2.5 of the Torrance Municipal Code and approve an ordinance summary for publication.

Police Lieutenant D'anjou stated that the proposed ordinance would allow citations to be issued for violations of TMC sections related to the licensing of dogs and rabies vaccination requirements thereby streamlining the prosecutorial process. He confirmed that the City would still have the ability to prosecute a violation as a misdemeanor if deemed appropriate.

Deputy City Attorney Studwell reported that fines and fees are significantly less for infractions as opposed to a misdemeanors and it takes less time to prosecute them and involves less paperwork.

Mark Stephenson, Torrance, requested clarification regarding City personnel authorized to issue citations, which was provided by Deputy City Attorney Studwell.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

ORDINANCE NO. 3761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTIONS 41.3.1 AND 41.4.1 OF THE TORRANCE
MUNICIPAL CODE RELATED TO ISSUANCE OF DOG LICENSE AND
RABIES VACCINATION REQUIREMENTS

MOTION: Councilmember Rhilinger moved for the adoption of Ordinance No. 3761. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

**11B. ORDINANCE AMENDING THE TORRANCE MUNICIPAL CODE RE
ISSUANCE OF CITATIONS**

Recommendation

Recommendation of the Chief of Police that City Council adopt an Ordinance amending Section 11.2.6 of Article 2 of Chapter 1 of Division 1 of the Torrance Municipal Code to include Section 43.4.2 Depositing Litter in Public Places, Section 45.4.6 Spitting on Sidewalks, Public Buildings, etc. and Section 49.2.1 Hours of Operation to the list of offenses that can be cited and prosecuted as infractions and approve an ordinance summary for publication.

Police Lieutenant D'anjou reported that the proposed ordinance would amend Torrance Municipal Code Section 11.2.6 to add Section 43.4.2 - Littering in Public Places, Section 45.4.6 - Spitting on Sidewalks, etc., and Section 49.2.1 - Being Present in Parks After Hours, to the list of offenses that can be cited and prosecuted as infractions in order to streamline the process.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

ORDINANCE NO. 3762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTION 11.2.6 OF THE TORRANCE MUNICIPAL CODE
RELATED TO ISSUANCE OF CITATIONS

MOTION: Councilmember Rhilinger moved for the adoption of Ordinance No. 3762. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

**11C. ORDINANCE AMENDING THE TORRANCE MUNICIPAL CODE RE DOG LICENSING
FEES AND REPLACEMENT DOG TAG FEES**

Recommendation

Recommendation of the Chief of Police that City Council adopt an Ordinance amending Section 41.3.2 of Article 3 of Chapter 1 of Division 4 of the Torrance Municipal Code relating to the annual fee: when fees are due and payable; penalty for failure to pay fee and Section 41.3.3 of Article 3, Chapter 1 of Division 4 relating to the fee for replacement dog tags and approve an ordinance summary for publication.

Police Lieutenant D'anjou reported that currently all dog licenses are due on July 1 of each year; that the City sells over 10,000 dog licenses and it places a burden on staff to process them at one time; and that the proposed ordinance would amend Section 41.3.2 to change the expiration date to one year from the original issuance date of the dog license.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

ORDINANCE NO. 3763

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTIONS 41.3.2 AND 41.3.3 OF THE TORRANCE
MUNICIPAL CODE RELATED TO DOG LICENSING FEES AND
REPLACEMENT DOG TAG FEES

MOTION: Councilmember Rhilinger moved for the adoption of Ordinance No. 3763. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. RESOLUTION RE TORRANCE REDEVELOPMENT AGENCY RETIREMENT SYSTEM

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution of Intention to terminate City of Torrance Redevelopment Agency Retirement System with the California Public Employees' Retirement System (CALPERS).

Item 12A/15.1B was withdrawn and referred to a later date.

12B. CONTRACT RE PERSONNEL BUILDING RENOVATION AND ACCESSIBILITY UPGRADES

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Award a contract to JR Universal Construction for \$539,958 with a 5% contingency of \$26,998 for the Personnel Renovation and Accessibility Upgrades (FEAP #735, FEAP #65 and FEAP #711)(B2012-44);
- 2) Approve a project management fee of \$53,996;
- 3) Approve \$15,000 for sewer line modifications, \$15,000 for abatement monitoring services, \$20,000 for moving, storage rental, and furniture modifications and \$10,000 for communication support; and
- 4) Appropriate \$110,976 from the Unappropriated Capital Improvement Fund to FEAP #735 - Personnel Building Renovation.

Facility Services Manager Landis provided an overview of the project, which includes renovations to the personnel building and accessibility upgrades to the entrance, restrooms and parking lot. He noted that the building was constructed in the 1950s and has never been modernized. He reported that several City buildings are in need of accessibility upgrades and staff has prioritized them starting with the most heavily used.

Councilmember Sutherland pointed out that the cost of the project has significantly increased since it was approved by the Council (March 2010) and requested that the amount of the increase and the reason for it be included in future staff reports when this occurs.

Facility Services Manager Landis clarified that the original project included the accessibility upgrades only.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

12C. CONSIDERATION OF REINSTATEMENT OF INDEPENDENCE DAY FIREWORKS

Recommendation

Recommendation of the City Manager that City Council review, discuss, and provide direction to staff regarding bringing the Independence Day Fireworks back to the city.

Assistant to the City Manager Chaparyan reported that staff was seeking direction from the City Council as to whether they wish to consider bringing back the Independence Day fireworks display at Wilson Park, in which case the matter will be forwarded to the Citizen Development and Enrichment Committee for further review. He noted that the estimated cost for the event is \$144,295.

Councilmember Brewer explained that he asked that this item be put on the agenda because he has been approached by companies that have expressed an interest in underwriting the cost of this event.

Councilmember Rhilinger reported that the Centennial Committee was approached last year about reinstating the Independence Day fireworks display, however, potential sponsors were not interested after learning of the cost. She stated that she did not want to get into a situation where the City has to come up with funding after the fact as happened with the Rose Parade float when donations fell short.

Councilmember Barnett stated that he was not in favor of spending additional time on this matter at the committee level with no guarantee that the total cost will be covered by donations.

Councilmember Sutherland pointed out that even if the City is able to obtain sponsors for this year's display, there is still the problem of finding sponsors for future years and the burden of raising these funds would likely fall on City staff. He related his experience that some residents are glad the fireworks display has been discontinued, particularly dog owners.

Councilmember Furey stated that he also did not support sending this matter to the Citizen Development and Enrichment Committee in the absence of a firm commitment from a sponsor to fund the entire cost of the event.

Mayor Scotto stated that he would have a difficult time justifying spending this amount of money in one day when City employees have not had a pay raise for five years, noting that the City's workforce has shrunk from approximately 1800 employees to less than 1300 due to cutbacks. He commented on the difficulty of soliciting donations in the current economic climate.

Councilmember Brewer stated that he did not envision that the City would fund this event and simply wanted a breakdown of the costs so potential sponsors would know what they're dealing with. He suggested that some of the expense for police and fire personnel would be offset by a reduction in their presence at other locations, such as Torrance Beach, which has become more popular since the elimination of the Wilson Park fireworks.

Deputy Police Chief Kreager confirmed that the police department has had to greatly increase their presence at Torrance Beach on the 4th of July since fireworks were discontinued at Wilson Park.

Mayor Scotto invited public comment.

Maureen O'Donnell, Torrance, stated that she was present at the fireworks display at Wilson Park in 1983 when there was a fatal stabbing and since that time, she does not attend large-scale events because she's fearful of being in large crowds. She voiced objections to comments made by Councilmember Brewer in a *Daily Breeze* article concerning the possibility of using security guards at the event, relating her belief that there are no alternatives to a professional police force and fire department when public safety is involved.

Mark Stephenson, Torrance, voiced objections to allocating money for an event that is not a core governmental function.

Councilmember Numark recommended that this matter be considered as part of the budget process.

City Manager Jackson advised that a decision must be made within 30-60 days if the Council wishes to have the fireworks display this July.

Councilmember Sutherland suggested that Councilmember Brewer could bring the matter back to the Council if he is able to obtain a financial commitment to cover the cost.

Councilmember Rhilinger noted that the fireworks display does not have to be a City-sponsored event, therefore if private entities wish to fund it, they could do so by obtaining a Special Events Permit and working with the Special Events Team. She expressed concerns that exploring options at the committee level would burden City staff, which has already been stretched thin.

MOTION: Councilmember Brewer moved to forward this item to the Community Development and Enrichment Committee for further investigation. The motion was seconded by Councilmember Numark and discussion continued.

Councilmember Rhilinger offered a substitute motion.

MOTION: Councilmember Rhilinger moved to take no action until such time as Councilmember Brewer is able to secure private funding to cover the entire cost of the event. The motion was seconded by Councilmember Sutherland and passed by a 6-1 roll call vote, with Councilmember Brewer dissenting.

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The City Council recessed at 9:25 p.m. for an emergency Executive Session to discuss an urgent matter in closed session regarding existing litigation, LASC Case No. BS140825 City of Redondo Beach v. City of Torrance, which involves modifications to existing entitlements at Del Amo Fashion Center.

The City Council reconvened at 9:38 p.m.

City Attorney Fellows reported that the parties have reached a settlement in LASC Case No. BS140825 City of Redondo Beach v. City of Torrance; that neither party admitted any wrongdoing; that the lawsuit will be dismissed with prejudice within the next couple of days; that various public records requests will not be pursued; and that the City of Torrance and Simon Group entities at the mall are free to proceed with approved entitlements. He noted that in a separate side agreement, Simon has agreed to notify the City of Redondo Beach of any new projects at the mall for the next 5½ years.

Item 12F was considered out of order at this time.

12F. LETTER OF INTENT RE LAX FLYAWAY SERVICE

Recommendation

Recommendation of the City Council Transportation Committee that City Council authorize a Letter of Intent (LOI) with the Los Angeles World Airports (LAWA) to initiate LAX FlyAway Service.

Assistant to the City Manager Chaparyan reported that this is the first step in establishing the LAX FlyAway Service, which would provide a shuttle service from Torrance to airport terminals at LAX.

Councilmember Rhilinger, chair of the Transportation Committee, noted that the FlyAway Service will benefit residents by providing another way to get to the airport and will help reduce traffic and parking congestion at LAX.

Patrick Tomcheck, Los Angeles World Airports, stated that it has been a pleasure to work with City staff and he looks forward to the implementation of this service in Torrance.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

12D. GRANT APPLICATION FOR USED TIRE RECYCLING COLLECTION

Recommendation

Recommendation of the Public Works Director that City Council adopt a Resolution authorizing the application for a two-year regional grant for used tire recycling collection with the cities of Duarte and Gardena. We are applying for \$21,000 to conduct two collection events in each city over the grant term.

Waste Management Coordinator Sherman advised that this is a regional grant, with Torrance serving as lead city, and it would allow the City to conduct two tire collection events each year for the two-year term of the grant, as well as provide opportunities to educate the public on the importance of tire recycling.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Numark and passed by unanimous vote.

RESOLUTION NO. 2013-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING SUBMITTAL OF AN APPLICATION FOR A USED TIRE
RECYCLING GRANT

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2013-16. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12E. SELECTION OF PROVIDER FOR LIFE/ACCIDENTAL DEATH & DISMEMBERMENT AND DISABILITY INSURANCE

Recommendation

Recommendation of the City Manager that City Council:

- 1) Approve the selection of Reliance Standard to provide Life/Accidental Death and Dismemberment (AD&D), and Disability Insurance to employees eligible for these benefits under Torrance Professional and Supervisor Association (TPSA), Torrance Professional Park and Recreation Employees Organization (TPPREO), Engineers and Torrance Fiscal Employees Association, Torrance City Employees Association (TCEA), Safety Management, Torrance Police Commanders Association (TPCA), Torrance Police Officers Association (TPOA), Torrance Fire Chief Officers Association (TFCOA), Torrance Fire Fighters Association (TFFA), Executive and Management Employees, Elected Officials, and Certain Full Time Salaried employees;
- 2) Approve insurance rates of \$0.125 per \$1,000 of group term Life/AD&D benefit, \$0.598 per \$100 of payroll for Short Term Disability (STD), and \$0.259 per \$100 of payroll for Long Term Disability (LTD) for a total projected expenditure of \$361,349 per year, for a three-year period beginning May 1, 2013 through April 30, 2016; and
- 3) Approve a (binder) payment of \$28,026, which is inclusive of \$361,349, to guarantee these rates.

Human Resources Director Fuentes briefly summarized the staff report.

Councilmember Rhilinger expressed concerns that employees represented by TME-AFSCME/TLEA will continue to be covered by the current insurance carrier Standard Insurance, which has higher rates, because they have not agreed to this change.

Assistant to City Manager Chaparyan advised that the City continues to negotiate in good faith with TME-AFSCME/TLEA on this issue, however at some point an impasse could be declared.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

13. HEARINGS

13A. ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Recommendation

Recommendation of the Community Development Director that City Council conduct a public hearing, consider public input, and adopt a Resolution authorizing the allocation and appropriation of 2013 Community Development Block Grant funds with the Federal Housing and Urban Development as follows:

| | |
|---|-----------|
| 1) Sidewalk Improvement Project | \$285,680 |
| 2) Cravens Sidewalk Repair for handicap accessibility | \$92,520 |
| 3) Torrance Park Improvement | \$116,300 |
| 4) Home Improvement Program | \$282,750 |

Funding: Estimated \$777,250 in CDBG funds to be made available for 2013 projects.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Deputy Community Development Director Cessna reported that this year, in addition to handicap accessibility improvement projects, CDBG funds will be used to fund the Home Improvement Program, which provides minor home repairs for income-qualifying seniors and disabled residents.

As no one from the public came forward to speak, the public hearing was closed.

MOTION: Councilmember Furey moved to close the public hearing. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Numark and passed by unanimous vote.

RESOLUTION NO. 2013-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING THE CITY OF TORRANCE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR FISCAL YEAR 2013-2014

MOTION: Councilmember Rhilinger moved for the adoption of Resolution No. 2013-17. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

14. APPEALS

14A. APPEAL OF DANGEROUS DOG FINDING RE “ROXY” THE DOG

Recommendation

Recommendation of the Police Chief and the Environmental Quality and Energy Conservation Commission that City Council deny the “on the record” appeal and that the finding that “Roxy” the dog meets the definition of a potentially dangerous dog be upheld; and that the dog not be allowed to return to live in the city.

City Attorney Fellows reviewed the procedure for the appeal hearing. He advised that the Council may only reverse the finding that Roxy is a potentially dangerous dog if they determine that there is insufficient evidence in the record to support this conclusion.

John Schuhmacher, owner of “Roxy” the dog, reported that he relocated the dog to his son’s house in Virginia shortly after being informed by Torrance Animal Control Officer Behn that he had to remove the dog from Torrance, noting that his son is currently serving as a Lance Corporal in the Marines stationed in Quantico, Virginia. He reported that the dog is six years old and has no history of aggression prior to the two incidents in April 2012 and October 2012. He explained that he requested the administrative hearing at which Roxy was determined to be a potentially dangerous dog because he was told that he might be able to keep the dog at his home, however, he subsequently learned that the outcome of the hearing was predetermined. He stated that he had no intention of bringing the dog back to Torrance but was requesting that the City Council reverse the finding that Roxy is a potentially dangerous dog due to the difficulties this label creates for his son in Virginia.

City Attorney Fellows noted that the requirements for owning a dangerous dog in Virginia are detailed in a letter from Stafford County Sheriff’s Office Animal Control Division dated November 7, 2012 (staff report – page 66).

Mayor Scotto related his belief that the requirements were reasonable precautions since the dog has bitten two people.

Councilmember Sutherland expressed concerns about the potential liability to the City should the Council reverse the Hearing Officer’s decision based on compassion for its owner.

City Attorney Fellows emphasized that the only ground for reversing the decision would be if the Council determined that there was insufficient evidence to support the findings made by the Hearing Officer and upheld by the Environmental Quality and Energy Conservation Commission.

Mr. Schuhmacher voiced his opinion that the hearing was not democratic since the outcome was a foregone conclusion and asserted that the hearing was invalid because the dog had already been removed from Torrance.

Councilmember Rhilinger suggested that Mr. Schuhmacher may have felt that the outcome of the hearing was predetermined because the objective facts in the case support the finding the Roxy is a potentially dangerous dog and nothing Mr. Schumacher could have said would change this.

Police Lieutenant D’anjou provided background information about the two dog-bite incidents involving Roxy the dog that occurred on April 21, 2012 and September 18, 2012, noting that both incidents were unprovoked and the resulting wounds required medical attention. He stated that staff is convinced that Roxy is “dangerous dog” as defined by Torrance Municipal Code Section 41.9.1 and believes it would be irresponsible to allow the dog to be relocated without the accepting jurisdiction being fully apprised of the behavior that led to the relocation. He clarified that the administrative hearing held on October 24, 2012 was

not optional and would have taken place whether or not Mr. Schuhmacher requested it due to the number and the severity of the attacks and it did not matter that the dog had been removed from Torrance. He urged the Council to deny the appeal.

Councilmember Numark stated that based on his review of the record from the administrative hearing, he believed it was clear that Roxy met the definition of "dangerous dog" as defined in TMC Section 41.9.1.

Councilmember Furey pointed out that according to the report dated October 30, 2012 regarding the administrative hearing, the Hearing Officer determined that Roxy the dog was "potentially" a dangerous dog.

Deputy Community Development Director Cessna, Hearing Officer at the administrative hearing, clarified that "potentially dangerous dog" is a specific term that indicates that a dog is dangerous and has the potential to bite based on its past history and this term was used as opposed to "vicious dog" because dogs that meet the criteria for this label must be humanely destroyed.

City Attorney Fellows noted that the definitions for "potentially dangerous dog" and "vicious dog" per Los Angeles County Title X were included in the staff report (page 51).

Mr. Schuhmacher expressed concerns that the term "potentially dangerous dog" is subject to different interpretations depending on the jurisdiction.

Councilmember Sutherland voiced his opinion that the facts in this case support the conclusion that Roxy meets the definition of a dangerous dog.

Councilmember Barnett related his belief that the dog-bite incidents involving Roxy were consistent with the definition of "potentially dangerous dog" per L.A. County Title X, Section 10.37.020, Subsections A and B.

Mr. Schumacher offered his assurance that he is a responsible pet owner. He explained that the second incident occurred when his dog broke free of its tether due to a worn dog collar and it was just an unfortunate accident. He reported that the authorities in Virginia have indicated that they will remove the "dangerous dog" restrictions on Roxy if the Council grants the appeal, however the dog will be euthanized if it bites again.

MOTION: Councilmember Sutherland moved to deny the appeal and uphold the Hearing Officer's decision. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

15.1. OTHER – SUCCESSOR AGENCY to the former Redevelopment Agency of the City of Torrance

Councilmember Rhilinger announced that due to her position on the Oversight Board to the Successor Agency she would recuse herself from consideration of item 15.1A and exited the Council Chamber at 10:52 p.m.

15.1A. APPROVAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE – JULY 1 THROUGH DECEMBER 1, 2013

Recommendation

Recommendation of the Community Development Director that City Council, acting as the Successor Agency to the former Redevelopment Agency of the City of Torrance, approve the Recognized Obligation Payment Schedule (ROPS) for the period of July 1 through December 31, 2013, in accordance with ABX1-26 and AB 1484.

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote (absent Councilmember Rhilinger).

Councilmember Rhilinger returned to the Council Chamber at 10:54 p.m.

15.1B. RESOLUTION RE CITY OF TORRANCE REDEVELOPMENT AGENCY RETIREMENT SYSTEM

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution of Intention to terminate City of Torrance Redevelopment Agency Retirement System with the California Public Employees' Retirement System (CALPERS).

Item 12A/15.1B was withdrawn and referred to a later date.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Brewer announced that the Torrance Education Foundation will be holding the annual Celebrate Education dinner on March 29 at the Marriott Hotel, with additional information available at www.TorranceEducationFoundation.org or 310.972.6418.

17B. Councilmember Furey reported that there has been renewed interest in a view impairment vegetation control process and he has attended various presentations/meetings on this issue. He requested the Council's concurrence to direct staff to prepare a brief description of processes in other cities; to estimate the City's cost and the cost to individual homeowners; and to conduct a mail survey of potentially affected homeowners encompassing this information to assess the interest of going forward with an ordinance.

A brief discussion ensued, and it was the consensus of the Council to direct staff to prepare an information item for the Council regarding the cost of preparing and conducting such a survey.

17C. Councilmember Numark requested that staff investigate complaints that construction is taking place on Sundays at the Rock & Brews restaurant site in violation of the municipal code.

17D. Councilmember Rhilinger reported that she has also received complaints about after-hours construction and problems with noise and dust at the Rock & Brews site.

17E. Councilmember Barnett commended City Attorney and City Manager staff involved in the successful resolution of the lawsuit filed by Redondo Beach concerning Del Amo mall.

17F. Councilmember Brewer announced that Toyota Motor Sales USA has generously donated a 2013 Lexus hybrid to be raffled off at the Celebrate Education dinner, noting that tickets are \$30, \$20 of which goes directly to the designated school organization.

17G. Mayor Scotto, with the concurrence of Council, requested that staff bring forward an item to subsidize the rental fees for use of the Toyota meeting hall, recreation center auditorium, assembly rooms, George Nakano theatre, Torino plaza, recreation center kitchen, and Armstrong Theatre for the sixth annual Southern California Orchestra and Band Association Music Festival to be held March 25, 2013.

17H. Mayor Scotto, with the concurrence of Council, requested that staff work with the Torrance Historical Society to continue the Memorial Day event in honoring the veterans listed on the memorial wall.

18. EXECUTIVE SESSION

Considered earlier in the meeting, for action taken at emergency Executive Session held after Item 12C see page 9.

19. ADJOURNMENT

At 11:07 p.m., the meeting was adjourned to Tuesday, March 5, 2013 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on April 9, 2013